



Federal Communications Commission
Washington, D.C. 20554

Adopted: July 14, 2003
Released: July 14, 2003

Ms. Michelle A. Thomas
Executive Director – Federal Regulatory
SBC Telecommunications, Inc.
1401 I Street, NW, Suite 1100
Washington, DC 20005

RE: *SBC/Ameritech Merger Order*, CC Docket No. 98-141

Dear Ms. Thomas:

This letter addresses SBC Telecom's (SBC's) request to apply version 3.0 changes of the Public Utility Commission of Texas's (Texas Commission's) section 271 performance measurements to the SBC Midwest and SBC SNET service regions.¹ As discussed below, I approve SBC's request.

The Commission adopted the Carrier-to-Carrier Performance Plan (Performance Plan) in the *SBC/Ameritech Merger Order*.² The Performance Plan requires SBC to report performance measurements data to the Commission each month, and to make payments to the United States Treasury should it fail to meet certain performance standards. The Performance Plan requires SBC and the Wireline Competition Bureau (Bureau) to meet semi-annually to discuss additions, deletions, and modifications.³

The Performance Plan measurements are based on those adopted by the Texas and California commissions. Specifically, in both the SBC Midwest and SBC SNET service regions, SBC reports data based on performance measurements adopted by the Texas Commission.⁴ The Texas Commission has its own on-going reviews to update the measurements, and the Performance Plan establishes a process by which those changes can flow through to the federal Performance Plan counterpart measurements. In particular, when the underlying state commission makes changes, SBC must notify the Bureau immediately.⁵ SBC may implement those changes for the anchor state if the Bureau does not object

¹ See Letter from David G. Cartwright, Director-Federal Regulatory, SBC Telecommunications, Inc. to William Maher, Chief, Wireline Competition Bureau, Federal Communications Commission, CC Docket No. 98-141 (filed March 13, 2003) (SBC March 13 Letter).

² See *Applications of Ameritech Corp., Transferor, and SBC Communications, Inc., Transferee, For Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95, and 101 of the Commission's Rules*, CC Docket 98-141, Memorandum Opinion and Order, 14 FCC Rcd 14712, App. C, Attach. A (1999) (*SBC/Ameritech Merger Order* or *Merger Order*).

³ See *id.* at para. 4.

⁴ See *id.* at para. 3.

⁵ See *id.* at para. 4.

within five days of notification.⁶ At the next semi-annual review, the Bureau may decide whether the same changes should be made for the other states tied to that state.⁷

On October 17, 2002, the Texas Commission updated SBC's Texas 271 performance measurements and SBC subsequently filed version 3.0 PM Business Rules and Implementation Schedules for SBC Midwest and for SBC SNET to update the Business Rules for the SBC Midwest and SBC SNET regions.⁸ The Wireline Competition Bureau conducted several meetings with SBC concerning SBC's implementation of the Texas Business Rules for use in the SBC Midwest and SBC SNET service regions, in accordance with the *SBC/Ameritech Merger Order*.⁹ I hereby grant SBC's request to apply the Texas Business Rules to the SBC Midwest and SBC SNET regions, effective February 1, 2003.¹⁰

If SBC disagrees with any of this letter's guidance, it may file an application for review with the Commission pursuant to section 1.115 of the Commission's rules.¹¹

Please do not hesitate to contact me if I can be of further assistance. In addition, you may contact Bill Dever, Assistant Division Chief, Competition Policy Division in the Wireline Competition Bureau at (202) 418-1578.

Sincerely,

Carol E. Matthey
Deputy Chief, Wireline Competition Bureau

⁶ *See id.*

⁷ *See id.*

⁸ Order No. 45-Approving Modifications to Performance Measurements and Order No. 47-Ruling on Motions for Reconsideration of Order No. 45. *See* SBC March 13 Letter.

⁹ *SBC/Ameritech Merger Order*, 14 FCC Rcd at Attach. A, para. 4.

¹⁰ *See* SBC March 13 Letter; *see also* SBC July 9, 2003 filing, CC Docket No. 98-141 (providing the revised business rules and implementation schedules for the SBC Midwest and SBC SNET service regions).

¹¹ 47 C.F.R. § 1.115.